



MINUTES

Charlotte County Board of Zoning Appeals

Wednesday, October 14, 2020 9:00 a.m. - Room 119

Charlotte County Administration Center

18500 Murdock Circle, Port Charlotte, FL 33948-1094

(These minutes are not official until they have been approved by the Charlotte County Board of Zoning Appeals)

Board Member:

Steve Vieira, Secretary
William Abbatematteo, Vice-Chair
Larry Fix
Blair McVety, Chair
John Doner

Staff:

Shaun Cullinan, Planning/Zoning Official
Thomas David, Asst. Co. Attorney
Stacy Bjordahl, Asst. Co. Attorney
Elizabeth Nocheck, AICP, Sr. Planner
Diane Clim - Recorder

I. Call to Order

Chair McVety called the October 14, 2020 meeting of the Board of Zoning Appeals to order at 9:00 a.m.

II. Pledge of Allegiance

Chair McVety led the members and the audience in reciting the Pledge of Allegiance.

III. Roll Call

Roll call was taken; a quorum was present.

IV. Swearing In of Those Giving Testimony

Diane Clim swore in all persons who wished to provide testimony.

V. Approval of Minutes

ACTION: A motion was presented by Mr. Fix and seconded by Mr. Abbatematteo to approve the minutes of the September 9, 2020 meeting of the Board of Zoning Appeals which passed with a unanimous vote.

VI. Disclosure Statements

Ex-parte forms indicating site visits concerning the petitions being presented before the October 14, 2020 Board of Zoning Appeals meeting were submitted.

VII. Introduction of Staff/Comments

Chair McVety introduced staff. Shaun Cullinan, Planning and Zoning Official, read the Zoning rules, Asst. County Attorney David and Chair McVety made introductory remarks regarding the types of requests that the Board of Zoning Appeals would be reviewing and the standards which must be met, the notification process and how the Board of Zoning Appeals makes its decision.

VIII. New Business

The following petitions were advertised on September 29, 2020: VAR-20-007 and SE-20-028

VAR-20-007 CONTINUED TO NOVEMBER 18, 2020 BZA MEETING

Margaret Marigold and Michael Laney are requesting two variances; one (a) to reduce the required 7.5-foot northeast side yard setback by 5.5 feet to allow a 2-foot northeast side yard setback and a second (b) to reduce the required 7.5-foot south side yard setback by 5.5 feet to allow a 2-foot south side yard setback for a boat dock in the Manufactured Home Conventional (MHC) zoning district. The property address is **795 Rio Villa Drive**, Punta Gorda, and is described as Lot 11, Block A, of Charlotte Park subdivision, sub-section 3, located in Section 19, Township 41 South, Range 21 East.

SE-20-027

Mischea McCrory is requesting a special exception to allow a Major Home Occupation, consisting of a dog sitting business in the Residential Single-family-3.5 (RSF-3.5) zoning district. The property address is **3512 Discovery Drive**, Punta Gorda, and is described as Lots 22 & 23, Block 274, of Harbour Heights subdivision, Section 9 Part 1, located in Section 21, Township 40 South, Range 23 East.

Elizabet Nocheck read into the record the staff report and staff findings for the petition.

Mr. Abbatematteo asked what percent of the dwelling is the living room?

Ms. Nocheck said it does exceed 20 percent but with the dogs being small, it is hard to determine what part of the living room we consider 20 percent. She said most of the business would be on the phone contacting the client. There is no desk. There was discussion about how much space a salon might use and the space the dogs might use.

Mr. Cullinan said it is difficult with animals to define because you have furniture and other items in the room that the animals will not use.

Mr. Vieira said several years ago he was involved in a real estate transaction for this home. I did some back research and although there was a change enclosing the car port, the structure is the same. The Property Appraiser site lists the home as a one bedroom home. The living room is measured at 156 sq. ft. Also looks like an additional bedroom and bathroom were added to the property.

There was some discussion about the size of the house, what is under a/c, figuring out the 20 percent rule.

Applicant Presentation

Mischea McCrory, applicant, said she was sworn in. **Ms. McCrory** said she started providing a service which was requested by a friend. The dogs primarily are outside in a secure fenced area. There is a doggie dog on the lanai door so they can get into the lanai and then also into the house. When the dogs are outside, I am always with them. I sit on the lanai. They can come in any time. They play a lot. If it is too hot or raining, they spend more time inside. She was informed she needed to have a permit. She spoke with the tax collector's office who referred her to zoning. Then she learned she needed a special exception. She loves the area and neighborhood. Watches a lot of the neighbor dogs. She also has a dog. These are small dogs. No more than 50 pounds. She did not plan to have a business, this came out of need and a request.

Mr. Fix asked who told you that you could not have dogs there?

Ms. McCrory said she was informed by a Code officer who came to the house and asked what I was doing. I told her and she said I need a special exception and business tax receipt.

Mr. Doner asked approximately how many dogs a week would you be caring for?

Ms. McCrory said some days she might have only one dog or none. Other days she might have 2 or 3. Within a week, she might have 8 dogs. Most all the dogs she watches are friends or people she knows.

Ms. Nocheck said she just wanted to clarify the code complaint was about a possible business being run out of the house, not complaining about dogs being there.

Assistance Co. Attorney David asked Ms. McCrory if she read the conditions. She replied yes and agreed with the staff report.

Chair McVety opened the meeting to Public Hearing.

Ms. Nocheck said she received 3 letters regarding this petition that came in after the staff report was completed. She will enter them into the record.

Public Input

Claire Mork, who lives in the area said she was sworn in. **Ms. Mork** said she is across the canal from Mischea. She explained they have been in their house 5 years. They were unaware there was a dog day care going on across the canal. They spend time outside, they garden and also have a dog, but never knew this was going on. There was no dog noise. They were told by a friend that Mischea was across the canal and watched dogs. They met her, filled out all the forms Mischea requires for the dogs and they are very happy. Their dog loves Mischea and her dog. They are grateful to have a neighbor who offers this service and takes such good care.

Dr. Bob Besse, who lives in the area, said he was sworn in. **Mr. Besse** said he's with Claire and said they moved here 5 years ago. They had their puppy and after a while they knew they needed someone to occasionally watch their dog Daisy. They went to a place and there were too many dogs. When they heard about Mischea and met her, they were so happy. Currently the noise he hears is other neighbors down the road. They don't hear any noise from Mischea's place. Their dog is very happy at Mischea's. He said they referred Mischea to friends, and now that person also uses Mischea to watch their dog, and they normally never let anyone watch their dog.

Mr. McVety asked about the exhibit numbers for the items handed in.

Ms. Nocheck said the letter we received from Ms. Norein, that is Exhibit I. The letter from Ms. Beverly is Exhibit J and the letter from Rick Neal is Exhibit K. these are all letters of support.

Herman Schaller, who lives in the area, said he was sworn in. **Mr. Schaller** showed the Board a picture of his dog and Mischea's dog on his cell phone. They have all been friends for years. They send their dog to Mischea when they are out a long time. He said they have a nice neighborhood and many neighbors help each other.

Ed Rose, who lives in the area, said he was sworn in. Mr. Rose said they live there 20 years. Said if you didn't know there was a business there, you wouldn't know it. They are quiet and there are no problems in the neighborhood.

Monica Lucey, who lives in the area, said she was sworn in. Ms. Lucey said she has known Mischea for the past 5 years. They purchased a dog and Mischea has watched her dog and they are very happy. One time she took her dog to a Punta Gorda dog park and some of the other dogs pinned her dog down, got bitten by another dog, and that was the first and last time O'Malley went to the Punta Gorda dog park. Someone told her about Mischea and they went through the interview process and just love going there. It would be a major void in their life if they could not bring their dog there anymore.

Gerard Job, who lives in the area, said he was sworn in. Mr. Job said he has a letter from a neighbor who asked him to hand this in. He said he also has a petition signed by 25 people who live in the area. They are against this request. He feels there is too much traffic. He said there is not much noise but he has seen the gate open and dogs running up and down the road. He said the shed in the back is a dog grooming shed. He knows Mischea is a good person but there is a lot of traffic, people dropping off their dogs.

There being no further requests to speak for or against the petition, Mr. Fix moved to close the public hearing, seconded by Mr. Vieira. The public hearing was closed with a unanimous vote.

Ms. Nocheck said Exhibit L would be the letter from Mrs. Parsons and Exhibit M would be the petition.

Elizabeth Nocheck presented the recommended conditions for the petition.

Board Member Comments and Questions

Mr. Abbatematteo asked what is the rational for exception that prohibits dog kennels?

Ms. Nocheck said it is too hot outside to have dog kennels outdoors.

There was discussion about home businesses, noise, using just the 20 percent and can you use the garage and the outside. How this relates to the 20 percent.

Mr. Cullinan said child day care requests, they look at the inside space but they also use the outside. Kids go out to play. They also use the restroom but we don't include that.

ACTION: A motion was presented by Larry Fix and seconded by John Doner that Petition SE-20-028 be APPROVED based on the Community Development Staff Report dated October 14, 2020, the evidence and testimony presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the Special Exception with nine conditions recommended by staff.

Motion was approved with a unanimous vote with the following nine conditions:

1. This special exception, as approved by the Board of Zoning Appeals, is to allow a major home occupation, consisting of a dog daycare business, as an accessory use to the existing single-family residence.

2. This special exception shall be conducted according to these conditions as well as all standards and conditions set forth in Section 3-9-74, Home Occupations, of the Land Development Regulations, as may be amended.
3. Detailed records shall be kept for a minimum of two years for each dog ever boarded at this residence, including but not limited to: name, address, and contact information of date for each customer; how animals are identified (e.g. tags, markings, names, microchip, etc.), and age and breed of each dog. These records shall be made available to Charlotte County Animal Control Officers upon request.
4. Inspections shall be allowed by Charlotte County Animal Control Officers without notice or in response to a complaint.
5. There shall be no outdoor dog kennels.
6. The dog daycare shall have a maximum of three dogs per day, excluding any personal pets of the property owner.
7. Hours of operation shall be limited to 8 a.m. and 5 p.m., Monday through Friday.
8. This special exception shall apply only to the applicant. In event of the sale of this property, this special exception shall expire.
9. Any major changes or additions to this special exception, including a change of location, scope of services, or change in the type of major home occupation conducted, shall require a modification of the special exception. Minor changes or additions such as accessory uses or structures may be approved by the Zoning Official.

IX. **Public Comments –**
None

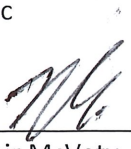
X. **Staff Comments –**
Ms. Nocheck said we have 1 item for sure and possibly 2 more if they bring in the missing items required for next month.

XI. **Member Comments -**
None

XII. **Next Meeting**
*The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, November 18, 2020 at 9:00 a.m., in Room 119.***

There being no further business, the meeting **ADJOURNED** at 10:23 a.m.

Respectfully submitted,
Diane Clim, Recorder
/dlc



Blair McVety, Chair
Approval Date: _____